

**SCHEDULE 1**

**Form of Notice**

November [ ], 2020

**By FedEx, Regular Mail and Email**

Marcos Benzaquen  
Diamond Cars R Us  
707 Hempstead Turnpike  
Franklin Square, New York 11010  
DiamondCarsRus@gmail.com

Re: **CONTEMPT ORDER**

**UNITED STATES BANKRUPTCY COURT FOR THE EASTERN  
DISTRICT OF NEW YORK: IN RE DIAMOND FINANCE CO., INC., NO.  
20-71877 (REG)**

Dear Mr. Benzaquen:

Olshan Frome Wolosky LLP (“Olshan”) is special litigation counsel to Marc Pergament, the Chapter 7 Trustee in the above referenced chapter 7 case (the “Case”).

Olshan submits this letter to you pursuant to an order of the United States Bankruptcy Court for the Eastern District of New York (the “Bankruptcy Court”) dated November \_\_, 2020 (the “Contempt Order”) in the Case. A copy of the Contempt Order is enclosed herewith.

The Contempt Order ***finds you in contempt of*** the Bankruptcy Court for your failure to respond to the enclosed subpoena issued pursuant to earlier orders of the Bankruptcy Court. As you know, the subpoena commanded your production of documents and appearance at a deposition.

The Bankruptcy Court has directed Olshan to notify you that ***the Bankruptcy Court will issue an Order directing the United States Marshal’s Service to compel your detention for the purpose of appearing at a deposition unless you appear in the Bankruptcy Court on or before November [ ], 2020 [7 days after entry of the Contempt Order] to explain why you have not yet complied.***

The Bankruptcy Court order further provides for a \$500 fine for each day you continue to fail to comply with the subpoena.

Finally, please note that the Bankruptcy Court has scheduled a status conference on this matter for December 7, 2020 at 9:30 a.m. You or your counsel, if you have one, should contact me to discuss your attendance at the conference.

Sincerely,

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Jonathan Koevary, Esq.

cc: Marc Pergament (via email)

Encl.

**SCHEDULE 2**

**Form of Detention Order**

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

In re:

DIAMOND FINANCE CO., INC.

Debtor.

Chapter 7

Case No. 8-20-71877 (REG)

**ORDER DIRECTING THE UNITED STATES MARSHAL SERVICE TO DETAIN  
MARCOS BENZAQUEN**

Upon the motion dated October 20, 2020 [Dkt. No. 127] (the “Motion”) of Marc A. Pergament, as Chapter 7 trustee (the “Trustee”) of Diamond Finance Co., Inc., for entry of an order under section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Rules 9016 and 9020 of the Federal Rules of Bankruptcy Procedure holding Marcos J. Benzaquen (“Benzaquen”), having a place of business of Diamond Cars R Us in at 707 Hempstead Turnpike Franklin Square, New York 11010, in contempt thereof, imposing sanctions, and compelling Benzaquen to comply with the Trustee’s subpoena, issued pursuant to the Court’s June 12, 2020 Order directing the production of documents and oral examination of Benzaquen; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and upon the Order dated November [ ], 2020 [Dkt. No. [ ]] (the “Contempt Order”) directing Benzaquen to appear within (7) days as further set forth in the Contempt Order under penalty of detention by the United States Marshal Service; and upon no such appearance having occurred within the timeframe set forth in the Contempt Order, it is hereby:

**ORDERED**, that, pursuant to 11 U.S.C. § 105(a) and the inherent power of this Court to impose civil contempt sanctions, the United States Marshal Service is commanded and directed to detain Benzaquen into physical custody and to cause Benzaquen to be incarcerated in a federal facility until he is released by the Court upon Benzaquen's compliance with Trustee's subpoena issued pursuant to this Court's June 12, 2020 Order, and it is further

**ORDERED**, in carrying out this Order, the United States Marshal Service is authorized to use whatever force is reasonably necessary in order to arrest and restrain Benzaquen, and may do so after business hours. If the Marshals arrest Benzaquen during a weekend, they may detain him over the weekend, and it is, further

**ORDERED**, that the detention and incarceration of Benzaquen shall continue until such time as he has purged his contempt by complying with the Trustee's subpoena issued pursuant to this Court's June 12, 2020 Order.